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BILL NO. Z-78-08-09

ZONING MAP ORDINANCE NO. Z- 23-78

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as 5 separate tracts on exhibits, as follows:

Exhibit A - Swift

Five (5) acres in the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows, to wit:

Beginning at a point on the North line of the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, said point being located 457 feet West of the Northeast corner of the said East one-half of the Southeast Quarter of said Section 32, Township 31 North, Range 13 East; thence South 0 degrees 10 minutes West, a distance of 962.5 feet; thence West, a distance of 226.28 feet; thence North 0 degrees 10 minutes East, a distance of 962.5 feet to the aforementioned North line of the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East one-half of the Southeast Quarter of section 32, a distance of 226.28 feet to the place of beginning; containing 5 acres of land more or less;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO EXCEPT that part thereof dedicated for widening of State Street by instrument recorded as Document No. 76-15170.

Exhibit B - Cuttitta

The West 90.50 feet of the East 457.0 feet of the

APPROVED AS TO FORM AND LEGALITY,

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North 481.25 feet of the East 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East in Allen County, Indiana.

Exhibit C - Brockman

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1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East a distance of 90.5 feet to the place of beginning.

Exhibit D - Brockman

One acre of land in the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows: Beginning at a point on the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet thence North 10 minutes East, a distance of 485.1 feet to the North line of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning, containing one acre of land, more or less, known as 4628 E. State Blvd., Fort Wayne, Indiana.

Exhibit E - Daugherty

1.08 acres of land in the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to wit:

Beginning at the Northeast corner of the East half of the southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana; thence South 10 minutes West along east line of the said east half of the southeast quarter of

Section 32, Township 31 North, Range 13 East, a distance of 485.1 feet; thence west a distance of 95.0 feet; thence north 10 minutes east a distance of 485.1 feet to the north line of the said east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence east along the said north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 95.0 feet to the place of beginning, containing 1.08 acres of land, more or less.

1.00 acre of land in the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, described as follows, to wit:

Beginning at a point on the north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, the said point being situated 95.0 feet west of the northeast corner of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence west a distance of 90.5 feet; thence north 10 minutes east a distance of 485.1 feet to the north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence East along the said north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning, containing 1.00 acre of land, more or less.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian & Schmidt

. Read the fir	st time in full and	on motion by	U. Sehm	ust, seco	onded by
Hunte	, and duly a	dopted, read	the second time b	y title and re	eferred to the
Committee on	Geg ml	alien	(and the City	Plan Commi	ssion for
recommendation)	and Public Hearing	to be held a	fter due legal notic	e, at the Cou	ıncil Chambers,
City-County Build	ling, Fort Wayne, I	ndiana, on _	, t	he	day
of	, 19	, at	o'clock N	I.,E.S.T.	1-1
DATE:	8-8-78		Shull CITY CLE	Su. Cili	slumes
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	11 0		duly adopted, pla	ced on its pa	assage.
	by the following v				
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SCHMIDT, D.	~				
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Passed and	adopted by the Co	mmon Counci	il of the City of For	t Wayne, Ind	liana, as
(ZONING MAP) (GENERAL) (ANNE	XATION) (S	PECIAL) (APPRO	PRIATION) O	RDINANCE
(RESOLUTION)	vo. 3-23-78	on the	24th de	ay of Oci	Total , 19
01			(SEAL) Samu	el 1 To	Plarico
CITY CLER			PRESIDIN	G OFFICER	
Presented	by me to the Mayor	of the City o	of Fort Wayne, Indi	ana, on the	25 1
day of Oc	laber , 19 <u>7</u> 8	at the hour o	of 11.30 o'cloc	k <u> </u>	S.T.
			CITY CLI	1. Wester	surance
	and almost by man	nia 7/			October, 1978
	and signed by me the		Λ _		7
at the nour of	o'clo	CA	A cha	15/4	hora
			MAYOR	1 CX VV FIN	

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-08-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

MHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been, shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this 9th day of October, 1978.

Luben Lazoff Secretary

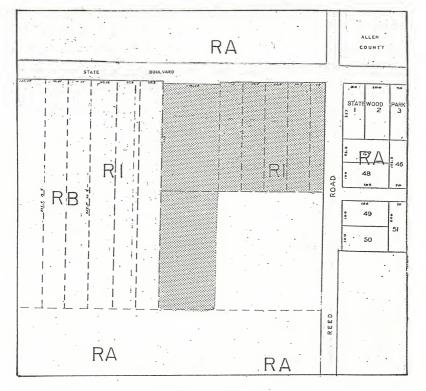


7-78-08-09

Bill	1 No. 2 70 00 05	
	REPORT OF THE COMMITTEE ON REG	JLATIONS
We, y	your Committee on Regulations to whom was	referred an Ordinance
	amending the City of Fort Wayne Zoning Map No. S-1	4
1	•	
	•	
have	e had said Ordinance under consideration and beg leave t	report back to the Common
Counc	ncil that said Ordinance NO PASS.	
	VIVIAN G. SCHMIDT - CHAIRMAN	an) & Dehmidt
	JOHN NUCKOLS - VICE CHAIRMAN John	Suglas
	WILLIAM T. HINGA Walk	and I Amaga
		75.0 3
	DONALD J. SCHMIDT) 30mm
	JAMES S. STIER	
		MAN, CITY CLERK
	DAIL - CIPACES III II III	

RECEIPT Date of July No. 10200

Received From Address Dollars \$ 50.00 Per Dollars \$ 50



REZONE FROM RI TO R3



7-78-08-09

BY M.F.C. 7-27-78

TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDI	Date Filed _	July 21, 1978
William D. Swift as at I/Wax and Jane Cuttitta, Way Daugherty do hereby petition your Honorab by reclassifying from %/an [Intended Use torney for William D. St one Brockman, and Richarc (Applicant's Name or Names) le Body to amend the Zoning	Map of Fort Wayne, Indiana,
property described as follows:		
Part of the East Half o	f the Southeast Quarter	of Section 32, Township
31 North, Range 13 East	, in Allen County, India	ana, described as 5
separate tracts on exh	ibits attached hereto ar	nd made a part hereof.
Swift	Exhibit A	
Cuttitta	Exhibit B	
Brockman	Exhibits C & D	
Daugherty		
	(Table 1 Day Julian)	
	(Legal Description)	
		and the second control of the second control
(General Des	scription for Planning Staff	Use Only)
I/WMK, the undersigned, certify		of fifty-one percentum
(51%) or more of the property de	escribed in this petition. 590 Lincoln Tower	
William D. Swift, Trustee	Fort Wayne, IN	
Bruce Cuttitta and Jane Cuttitta, husband & wife	4622 E. State Blvd.	
	2020 1109220; 221	
Wayne Brockman	Fort Wayne, IN	· ·
Richard Daugherty and There Daugherty, husband & wif	e Fort Wayne, IN	
(Name)	(Address)	(Signature)
Legal Description Checked By:		
	(City Engineer)	
NOTE FOLLOWING RULES:		•
All requests for continuances of shall be filed in writing in the		
Wednesday preceding the meeting	of the City Plan Commission	at which the ordinance is
to be considered. If the reques the required time, the matter wi		
shall be the obligation of the p	etitioner to notify the same	property owners which
the Plan Commission had notified rescheduled and inform them of t		
will be considered. All withdra		
to the Plan Commission's vote or	the ordinance.	
Name and address of preparer, at	torney or agent:	
William D. Swift	Fort Wayne, IN	423-4422
(Name)	(Address)	(Telephone Number)
CITY PLAN COMMISSION, CITY-COINT	Y BUILDING, Room # 880. ONE	

Receipt No.

PETITION FOR ZONING ORDINANCE AMENDMENT

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802 Telephone Number: 423-7571

EXHIBIT A

Five (5) acres in the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the North line of the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, said point being located 457 feet West of the Northeast corner of the said East one-half of the Southeast Quarter of Said Section 32, Township 31 North, Range 13 East; thence South 0 degrees 10 minutes West, a distance of 962.5 feet; thence West, a distance of 226.28 feet; thence North 0 degrees 10 minutes East, a distance of 962.5 feet to the aforementioned North line of the East One-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East one-half of the Southeast Quarter of said Section 32, a distance of 226.28 feet to the place of beginning; containing 5 acres of land more or less;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO EXCEPT that part thereof dedicated for widening of State Street by instrument recorded as Document No. 76-15170.

#76-2559 (Cuttitla)

EXHIBIT B

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF THIS FORM OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND SHOULD BE DONE BY A LAWYER.

Tax Info:

Grantee
4622 E. State Bouleval ARRANTY DEED

Fort Wayne, Indiana

This indenture witnesseth that BRUCE F. CUTTITTA, married and being above the age of eighteen (18) years

ALLEN

County in the State of

INDIANA

of BRUCE F. CUTTITTA and JANE CUTTITTA Convey and warrant to husband and wife

County in the State of

INDIANA

for and in consideration of Ten Dollars (\$10,00) and other good and valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in

in the State of Indiana, to wit:

The West 90.50 feet of the East 457.0 feet of the North 481.25 feet of the East 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East in Allen County, Indiana.

Seal

Seal

ALLEN Before me, the undersigned, a Notary Public in and for said County and State, this 30th day of January. 19 76 personally appeared:

BRUCE F. CUTTITTA, married and being above the age of eighteen (18) years

19_76 Dated this 30th Day of January

DULY ENTERED FOR TAXATION

FEB 4 1976 NOTAL OFFICE

1 1/4 of Contion 39 Township	31 North, Kange 13 Last III
1/2 of the Southeast 1/4 of Section 32, Township	
Allen County, Indiana.	
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· ·	Dated this 30th Day of January 19
State of Indiana, ALLEN County, ast	Dared III
Poloce me the undersigned, a Notary Public in and for said County	a ditt
and State, this Souli and	Suice 7 Cultura
personally appeared:	BRUCE F. COTTILL
BRUCE F. CUTTITTA, married and being	
above the age of eighteen (18) years	
	DULY ENTERED FOR TAXATION .
	FEB 4 1976
the execution of the foregoing deed. In witness	Jan D. Webelkser
the execution of my name and affixed my of the state of 1976	AUDITOR OF ALLEN COUNTY
on expires 4/21 19 16	12,939
N- 9- D-	Instrument 1_181
Notary Public	
Thomas J. Dixon	
Thomas J. Dixon - Nieter, Dixon	n & Whitmore Attorney a
This instrument proposed by 222 Utility Building, Fort Wayne	e, Indiana
222 0 0000	
	COPYRIGHT THE ALLEN COUNTY INDIANA BAR ASSOCIATION,
man To: Nieter & Dixon Box	4
process and the same of the sa	
The state of the s	

open

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Examined and approved

#73-7627 (Brockman)

EXHIBIT C

73 .37627

Arthur C. Bobay, as Executor of the Last Will and Testament of Emmet J. Bobay, Deceased, by Order of the Allen Superior Court of Allen County, Indiana, , on the records of said Court, on the page 262 , entered in Order Book 4 for and in consideration of the sum of \$8,000.00, conveys to Wayne Brockman of Allen County, Indiana, the real estate described as follows, to-wit:

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East a distance of 90.5 feet to the place of beginning.

Subject to the taxes upon said real estate payable in the year 1973, to all subsequent taxes, and to all restrictions, limitations and easements of record.

Dated this 25th day of October, 1972.

DULY ENTERED FOR TAXATIO APR - 3 1973

Double & Paser

(Arthur C. Bobay) as Executor of the Last Will and Testament of Emmet J. Bobay, Deceased

STATE OF INDIANA SS: COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 25th day of October, 1972, personally appeared Arthur C. Bobay, as Executor of the Last Will and Testament of Emmet J. Bobay, Deceased, and acknowledged the execution of the aforegoing Executor's Deed for the uses and purposes therein set

forth .: O Witness my hand and Notarial Seal.

My Commission Expires: January 7, 1976

Notary Public (Barbara S. Richardson) This lastrument was prepared by George Kowalczyk, Attorney-at-law, 221 West

Wayne Street, Fort Wayne, Indiana.

WARRANTY E. State Bind

This indenture witnesseth that CAROL E. HEYN SHACKELFORD, over the age of twenty-one years,

75-0031.0015

of

Allen

County in the State of

Indiana

Conveys and warrants to

WAYNE . BROCKMAN

Allen-County in the State of Indiana for and in consideration of Twenty-five thousand (\$25,000,00) Dollars the receipt whereof is hereby acknowledged, the following Real Estate in Allen in the State of Indiana, to wit:

County

One acre of land in the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows: Beginning at a point on the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet thence North 10 minutes East, a distance of 485.1 feet to the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning, containing one acre of land, more or less, known as 4628 E. State Blvd., Fort Wayne, Indiana.

Subject to taxes payable in May of 1971 and thereafter.

Subject to all visible easements and recorded easements and restrictions and zoning provisions of the City of Fort Wayne.

State of Indiana,

Allen

Before me, the undersigned, a Notary Public in and for said County June 1970 and State, this day of personally appeared:

> Carol E. Heyn Shackelford, over the age of twenty-one years,

> > REAL ESTATE TRANSFER VALUATION AFFIDAVIT FILED

AUDITOR, ALLEH COUNTY

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires.

June

Carol E. Heyn Shackelford

Seal Seal

DULY FAITERED FOR TAXATION Seal

AUDITOR OF ALLEN COUNTY

1300

Instrument T

#12-26590 (Daugherty)

EXHIBIT E

WARRANTY DEED

772 26530

THIS INDENTURE WITNESSETH that HERBERT L. BOBAY and ADEL BOBAY, husband and wife, both over the age of 21 years, of Charlotte County, in the State of Florida, Convey and Warranty to RICHARD DAUGHERTY and THERESA DAUGHERTY, husband and wife; of Allen County, in the State of Indiana, for and in consideration of One Dollar and Other Valuable Consideration, the receipt whereof is hereby acknowledged, the following real estate in Allen County, in the State of Indiana, to-wit:

1.08 acres of land in the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, described as follows, to-wit:

Beginning at the Northeast corner of the East half of the southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana; thence Jouth 10 minutes West along east line of the said east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, quarter of Section 32, Township 31 North, Range 13 East, the said east half of the southeast of dest, thence north 10 minutes east a distance of 95.0 feet; thence north 10 minutes east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence east along the said north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 95.0 feet to the place of beginning, containing 1.08 acres of land, more or less.

1.00 acre of land in the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, the said point being situated 95.0 feet west of the northeast corner of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence west a distance of 90.5 feet; thence north 10 minutes east a distance of 485.1 feet to the north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East; thence East along the said north line of the east half of the southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning, containing 1.00 acre of land, more or less.

Subject to the taxes payable in May, 1973 and thereafter.

Grantor, Herbert L. Bobay, represents that Esther.

A. Bobay died on the 17 day of 21111, 1967, and that at the time of her death she was married to and was living with him and he was her surviving husband.

Y ENTERED FOR TAXATION

Dated this 17th day of Newman , 1972.

(Starterf. & Bobay (SEAL)

Herbert L. Bobay (SEAL)

Adel Bobay (SEAL):

Adel Bobay (Charlette, County, SS:

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

This instrument prepared by Alton L. Bloom, Attorney-at-Law

RESTRICTIVE COVENANTS

THIS AGREEMENT made this <u>lst</u> day of September, 1978, by and between WILLIAM D. SWIFT, TRUSTEE, JOHN D. CHRISTMAN, WAYNE BROCKMAN, BRUCE PATTERSON, and RICHARD DAUGHERTY and THERESA DAUGHERTY, husband and wife, (hereinafter referred to "Owners") and the DIVISION OF LONG RANGE PLANNING & ZONING OF THE CITY OF FORT WAYNE (also known as the City Plan Commission) and the COMMON COUNCIL OF THE CITY OF FORT WAYNE (hereinafter collectively referred to as "City"), AND WITNESSETH:

WHEREAS, William D. Swift, Trustee, is the owner of the fee simple title to the following described real estate, to-wit:

Five (5) acres in the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the North line of the East one-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, said point being located 457 feet West of the Northeast corner of the said East one-half of the Southeast Quarter of said Section 32, Township 31 North, Range 13 East; thence South 0 degrees 10 minutes West, a distance of 962.5 feet; thence West, a distance of 226.28 feet; thence North 0 degrees 10 minutes East, a distance of 962.5 feet to the aforementioned North line of the East One-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East one-half of the Southeast Quarter of said Section 32, a distance of 226.28 feet to the point of beginning; containing 5 acres of land more or less;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO EXCEPT that part thereof dedicated for widening of State Street by instrument recorded as Document No. 76-15170.

WHEREAS, John D. Christman is the owner of the fee simple title to the following described real estate, to-wit:

The West 90.50 feet of the East 457.0 feet of the North 481.25 feet of the East 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970.

WHEREAS, Wayne Brockman is the fee simple owner and Bruce Patterson is the contract purchaser of the following described real estate, to-wit:

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

ALSO,

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet; thence North 10 minutes East, a distance of 485.1 feet to the North line of the East Half of the Southeast Quarter of Section 32 Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Tonwship 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning;

EXCEPT the North 40 feet thereof appropriated for widening of State Street under Declaratory Resolution Number 1295-1970;

WHEREAS, Richard Daugherty and Theresa Daugherty, husband and wife, are the owners of the fee simple title to the following described real estate, to-wit:

1.08 acres of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at the Northeast corner of the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana; thence South 10 minutes West along East line of the said East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 485.1 feet; thence West a distance of 95.0 feet; thence North 10 minutes East a distance of 485.1 feet to the North line of the said East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 95.0 feet to the place of beginning;

ALSO,

1.0 acre of land in the East half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East in Allen County, Indiana, the said point being situated 95.0 feet west of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence west a distance of 90.5 feet; thence north 10 minutes east a distance of 485.1 feet to the north line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the place of beginning, containing 1.00 acre of land, more or less.

Subject to road rights of way for State Street and Reed Road. WHEREAS, all of the above-described real estate is presently zoned R-1 and the Owners have petitioned the City to amend the Zoning Map of Fort Wayne by reclassifying all of the above real estate from an R-1 district to an R-3 district;

WHEREAS, The City is agreeable to such an amendment, provided the Owners will impose certain restrictive covenants upon said real estate and agree to grant to the City additional right-of-way on East State Street to permit fifty (50) feet of right of way and on Reed Road to permit fifty (50) feet of right of way for a distance of 300 feet south from its intersection with East State Street.

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows:

- City shall amend its Zoning Ordinance to change the zoning classification to R-3 for all of the above described Real Estate.
- 2. Owners covenant and agree that said Real Estate shall be and is subject to the following restriction:

Said Real Estate as herein described shall never be used for multi-family dwellings. This covenant shall run with the land for the benefit and burden of the parties hereto and their heirs, devisees, legatees, grantees, successors and assigns and of persons occupying or using said real estate under them and shall be enforceable by the CITY PLAN COMMISSION or the COMMON COUNCIL OF THE CITY OF FORT WAYNE or their successors.

3. Owners hereby agree to join in a Street Dedication granting and dedicating to the City of Fort Wayne and to the public a strip of land for street improvement purposes that will establish 50 feet of right-of-way South of the centerline of East State Boulevard and 50 feet of right-of-way West of the centerline of Reed Road for a distance of 300 feet south from its intersection with the centerline of East State.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

Milliam D. Swift, Trustee

Maino/

Wayne Brockman

D.

Bruce Patterson .

Christman

Richard Daugherty

Theresa Daugherty

Before me, a Notary Public in and for said County and State, this 1st day of September, 1978, personally appeared William D. Swift, Trustee, John D. Christman, Wayne Brockman, Bruce Patterson, Richar Daugherty and Theresa Daugherty, each over the age of 18 years, and acknowledged their execution of the foregoing as their free and voluntary act and deed. Witness my hand and notarial seal. My Commission Expires: January 8, 1981 Carol L. Gilbert, Notary Public (Resident, Allen County, Indiana) STATE OF INDIANA) SS: COUNTY OF ALLEN Before me, a Notary Public in and for said County and State, this day of September, 1978, personally appeared and of the Division of Long Range Planning & Zoning of the City of Fort Wayne (a/k/a City Plan Commission), and acknowledged the execution of the foregoing instrument for and on behalf of said City Plan Commission and by its authority. In witness whereof, I have hereunto subscribed my name and affixed my official seal.		DIVISION OF LONG RANGE PLANNING & ZONING OF THE CITY OF FORT WAYNE (a/k/a CITY PLAN COMMISSION) Secretary, Fort Wayne City Plan Commission
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PETITION

We, the undersigned property owners in Kingston Park Addition to the city of Fort Wayne, do petition City Council not to pass Rezoning Request Z-780809. State Street from west of Mathias to Reed Road is a one family neighborhood. Retaining it as a one family neighborhood is in the best interest of both the city and residents of this area.

Changing State Street from R-1 to R-3 in the manner of the above request is "bits and pieces" zoning and does indeed represent "spot zoning." This request is made as one, however four different owners with four different intentions for land use are involved. There is no guarantee that the above zoning, if allowed, would not become high density housing.

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Admn. Appr.

- DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-78-08-07
DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P
SYNOPSIS OF ORDINANCE Part of the East Half of the Southeast Quarter
of Section 32, Township 31 North, Range 13 East, in Allen County,
Indiana.
EFFECT OF PASSAGE Property is presently zoned R1 District - One Family
Residential. Property will become R3 District - Multiple Family
Residential.
EFFECT OF NON-PASSAGE Property will remain Rl District - One Family Residential.
Mentacus tars.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
· .
ASSIGNED TO COMMITTEE (J. N.)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

October 27, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 31, 1978 and November 7, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-78-08-09 Zoning Map Ordinance No. Z-23-78

Bill No. Z-78-08-34 Zoning Map Ordinance No. Z-24-78

Bill No. Z-78-09-12 Zoning Map Ordinance No. Z-25-78

Bill No. Z-78-09-13 Zoning Map Ordinance No. Z-26-78

Please send us 14 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Pharles W. Westerman

Charles W. Westerman City Clerk

CWW/ne ENCL:1

AN EQUAL OPPORTUNITY EMPLOYER

TO A

LEGAL NOTICE

Notice is hereby given that on the 24th day of October, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-08-09 -- Zoning Map Ordinance No. Z-23-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14

Notice is hereby given that on the 24th day of October, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-08-34 -- Zoning Map Ordinance No. Z-24-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-27.

Notice is hereby given that on the 24th day of October, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-09-12 -- Zoning Map Ordinance No. Z-25-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-34

Notice is hereby given that on the 24th day of October, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. Z-78-09-13 -- Zoning Map Ordinance No. Z-26-78, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-34

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. Z-78-08-09 - Zoning Map Ordinance No. Z-23-78; Bill No. Z-78-08-34 --- Zoning Map Ordinance No. Z-24-78; Bill No. Z-78-09-12 -- Zoning Map Ordinance No. Z-25-78; Bill No. Z-78-09-12 -- Zoning Map Ordinance No. Z-25-78; Bill No. Z-78-09-13 -- Zoning Map Ordinance No. Z-25-78; by the Common Council on the 24th day of October, 1978, and said Ordinances were duly signed and approved by the Mayor on the 26th day of October, 1978, and now remains on file and on record in my office.

Copies of said Bill No. z-78-08-09 -- Zoning Map Ordinance No. z-23-78; Bill No. z-78-08-34 --- Zoning Map Ordinance No. z-24-78; Bill No. $z^2+78-09-12$ --- Zoning Map Ordinance No. z-25-78; and Bill No. z-26-78-09-13 --- Zoning Map Ordinance No. z-26-78, are posted in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House.

Page 2 'Legal Notice

Copies of said Bill No. Z-78-08-09 -- Zoning Map Ordinance No. Z-23-78; Bill No. Z-78-08-34 --- Zoning Map Ordinance No. Z-24-78; Bill No. Z-78-09-12 --- Zoning Map Ordinance No. Z-25-78; and Bill No. Z-78-09-13 --- Zoning Map Ordinance No. Z-26-78, are posted in the following places in Fort Wayne, Allen County, Indiana.

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

Phaelis W. Westerman Charles W. Westerman City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinance in the designated places as stated above on October 31, 1978.

Charles W. Westerman

City Clerk

-31 11--7

Form Prescribed by State Board of	Arcounts	General	Form No. 99 P (Rev. 1967)
Common Council of Fort Wes		To JOURNAL-GAZE	TTEDr.
Allen Co	unty, Ind.	FORT WAYNE,	INDIANA
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Charles W. Westerman, Clerk of City of Fort Wayne, Indiana, ful-			1,00

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Ifly of Fort Wayne mon Council of the City of Fort 2:25-78; Bill No. 2:78-09-13 — Zonir Wayne, Indiana in a Regular Session Map Ordinance No. 2:26-78; we given that on the did pass the following Bill No. 2:78-	Library. (3) The bulletin board in the lobby and in the East door of the Allen County Court House. Court House. (3) The bulletin board in the lobby and and posted the above cordinances in the designated places as a stated above on October 31, 1978. Copies of said Bill No. 276-379. Charles W. Westerman Chrycles Chrycles City Clerk.

mon Council of the City of Fort	24-78, being AN ORDINANCE	hereby certify that bill No. 2-78-08-	(1) The main floor lobby of the	Wayne, Indiana.	41-
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08-09—Zoning Map Ordinance No. Z-	Notice is hereby given that on the	Ordinance No. Z-23-78; Bill No. Z-78-	of the Downtown Fort Wayne Public	I, Charles W. Westerman, Clerk of	ave
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mon Council of the City of Fort	25-78, being AN ORDINANCE	said Ordinances were duly signed	Zoning Map Ordinance No. Z ₂ 23-78;	City Clerk	
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Subscribed and sworn to before me this 7th way of November 19
Notary Public

My commission expires September 28, 1979

From 1 Bernard 4775

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In the English language in the city | of FORT WAYNE, INDIANA

The Red Guards wering state and county aforesaid, and that the printed matter attached hereto is a true copy, ministrators, and even which was duly published in said paper for _2 time_s_, the dates of publication being officials. Its victims was follows: 10/31 & 11/7/78

Subscribed and sworn to before me this 7th day of_

My commission expires September 28,

Notary Public ADD NO THE

CLONIE

November

Nevaul : '5